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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,583	02/19/2004	Toshihiko Kobata	086142-0649	2490
22428	7590	12/28/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,583

Applicant(s)

KOBATA ET AL.

Examiner

Octavia Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al.

Regarding claims 1 and 6, Sakamoto et al disclose a seating load detecting device with bracket mounted sensor comprising a base 1 having an open top and configured to be fixed to a seat bracket 3 configured to support a load imposed on a vehicle seat 9, an arm 6 supported by the base 1 and configured to receive the load imposed on the vehicle seat, a load sensor 12 supported by the arm to detect the load imposed on the vehicle seat, a rail bracket 2 configured to support a seat rail that movably guides the vehicle seat in a vehicle front-rear direction and to connect the base to the seat rail and a load support member 4, 5 connected to the rail bracket 2 and configured to support a load imposed on the seat rail, the load being heavier than a predetermined load, wherein the base 1 is connected under the seat rail 3 with the rail bracket 2 located therebetween (See Col. 4, lines 35 – 65 and Col. 5, lines 7 – 21, See Figs. 1, 2 and 3C):

Regarding claim 2, the load support member 4 comprises a U-shaped, belt-shaped plate having an arc portion (See Col. 5, lines 2 – 6).

Regarding claim 3, the arm 6 and the rail bracket 2 are connected by a stopper pin 47, and wherein, when the load heavier than the predetermined load is imposed on the seat rail, the arc

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portion of the load support member is brought into contact with the stopper pin to support the load (See Col. 7, lines 33 – 39).

Regarding claim 4, the load heavier than the predetermined load is an upward load, and wherein, when the load heavier than the predetermined load is imposed on the seat rail 3, the arc portion of the load support member moves upward relative to the stopper pin 47 into contact with the stopper pin to support the load (See Col. 7, lines 27 – 31 and 39 – 52).

Regarding claim 5, the seat bracket 3 is fixed to a vehicle body (See Col. 4, lines 35 – 37).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakamoto et al (6,732,593) teach an attachment structure of a load sensor for a vehicle seat.

Aoki (6,069,325) teaches a seat weight measuring apparatus.

Aoki et al (6,586,948) teach a vehicle seat weight measuring device.

4. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application or proceeding is assigned is (703)

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12/22/04


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